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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	COURT OF APPEAL 15-10030
	)	
PLAINTIFF,	)	NO. CR-14-0094 YGR
	)	
VS.	)	THURSDAY, DECEMBER 18, 2014
	)	
CLARENCE LEE ANDREWS,	)	OAKLAND, CALIFORNIA
	)	
DEFENDANT.	)	SENTENCING
_____	)	

BEFORE THE HONORABLE YVONNE GONZALEZ ROGERS, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

**FOR PLAINTIFF:** MELINDA L. HAAG, ESQUIRE  
UNITED STATES ATTORNEY  
1301 CLAY STREET, SUITE 340S  
OAKLAND, CALIFORNIA 94612  
BY: BRIGID MARTIN,  
ASSISTANT UNITED STATES ATTORNEY

**FOR DEFENDANT:** STEVEN KALAR,  
FEDERAL PUBLIC DEFENDER  
555 - 12TH STREET, SUSITE 650  
OAKLAND, CALIFORNIA 94607  
BY: ELLEN V. LEONIDA,  
ASSISTANT FEDERAL PUBLIC DEFENDER

**ALSO PRESENT:** EMILY LIBBY, U.S. PROBATION OFFICER

**REPORTED BY:** DIANE E. SKILLMAN, CSR 4909, RPR, FCRR  
OFFICIAL COURT REPORTER

TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION

1 THURSDAY, DECEMBER 18, 2014

2:28 P.M.

2 P R O C E E D I N G S

3 **THE CLERK:** CALLING CRIMINAL ACTION 14-094 UNITED  
4 STATES VERSUS CLARENCE LEE ANDREWS.

5 COUNSEL, PLEASE STATE YOUR APPEARANCES.

6 **MS. MARTIN:** GOOD AFTERNOON, YOUR HONOR. BRIGID  
7 MARTIN FOR THE UNITED STATES.

8 **MS. LEONIDA:** GOOD AFTERNOON, YOUR HONOR. ELLEN  
9 LEONIDA WITH MR. ANDREWS. HE'S PRESENT IN CUSTODY.

10 **PROBATION OFFICER:** GOOD AFTERNOON, YOUR HONOR.  
11 EMILY LIBBY WITH PROBATION.

12 **THE COURT:** GOOD AFTERNOON.

13 MR. ANDREWS, THIS IS THE DAY WE SET FOR YOUR SENTENCING.  
14 ARE YOU PREPARED TO MOVE FORWARD?

15 **THE DEFENDANT:** YES.

16 **THE COURT:** IN PREPARATION FOR YOUR SENTENCING, THE  
17 COURT HAS REVIEWED AND CONSIDERED THE FOLLOWING: THE REVISED  
18 PRESENTENCE INVESTIGATION REPORT WHICH WAS PREPARED ON  
19 MAY 1ST, 2014, REVISED ON DECEMBER 16TH, 2014, AND DISCLOSED  
20 TO THE PARTIES ON JUNE 3RD.

21 MY UNDERSTANDING IS THAT THE REVISIONS WERE ALSO  
22 COMMUNICATED TO THE PARTIES; IS THAT CORRECT, MS. LIBBY?

23 **PROBATION OFFICER:** YES, YOUR HONOR.

24 **THE COURT:** THIS REPORT INCLUDES AN ADDENDUM WHICH  
25 INDICATES --

1 WHOEVER HAS THAT PHONE MUST LEAVE THE COURTROOM NOW.  
2 NOW.

3 IF YOU HAVEN'T CHECKED YOUR PHONES, DO SO. THESE ARE  
4 SERIOUS PROCEEDINGS AND THEY SHOULD NOT BE INTERRUPTED.

5 IT INCLUDES AN ADDENDUM, SIR, WHICH INDICATES THAT TO THE  
6 EXTENT THERE WERE ANY OBJECTIONS, THOSE WERE RESOLVED. AND A  
7 REVISED SENTENCING RECOMMENDATION.

8 I WILL NOTE THAT THE COURT REVIEWED THIS WITH PROBATION  
9 AND AN ERROR WAS DISCOVERED. THAT WAS COMMUNICATED THIS  
10 MORNING TO THE PARTIES. THE OFFENSE LEVEL HERE IS NOT 32, BUT  
11 31.

12 I ALSO CONSIDERED THE DEFENDANT'S SENTENCING MEMORANDUM,  
13 WHICH I ALLOWED TO BE FILED UNDER SEAL, BUT I WILL DISCUSS  
14 THAT BECAUSE IT IS NOT CLEAR TO ME WHY THE REQUEST WAS MADE.  
15 AND THE 12 LETTERS THAT WERE ATTACHED. THE UNITED STATES  
16 SENTENCING MEMORANDUM AND THE SEALED EXHIBITS WHICH WERE  
17 PROVIDED TO THE COURT. I RECEIVED, MR. ANDREWS, A COPY OF  
18 YOUR LETTER THAT YOU SENT TO THE COURT, READ AND CONSIDERED  
19 THAT AS WELL.

20 AS A STARTING POINT FOR THE COURT'S ANALYSIS AS TO WHAT IS  
21 AN APPROPRIATE SENTENCE, THE COURT LOOKS TO THE SENTENCING  
22 GUIDELINES. IN THIS CASE, GIVEN THE SIGNIFICANT AMOUNT OF  
23 VIOLENCE, WE ARE NOT ONLY DEALING WITH A CAREER OFFENDER HERE,  
24 BUT I HAVE A TOTAL ADJUSTED LEVEL OF 31, WITH A CRIMINAL  
25 HISTORY CATEGORY OF -- IT WOULD BE VI FOR THE CAREER OFFENDER

1 STATUS, WHICH PUTS THE GUIDELINE RANGE AT 188 TO 235 MONTHS.

2 THIS CASE INVOLVED OVER 30 ROBBERIES, NUMEROUS VICTIMS,  
3 PEOPLE WHO HAD GUNS PUT TO THEIR HEADS, PEOPLE WHO WERE HURT,  
4 PEOPLE WHO WERE LURED INTO ROBBERY SITUATIONS, PREMEDITATION,  
5 PICKED UP AT THE AIRPORT IN LIMOUSINES OR OTHER CARS, AND THEN  
6 ASSAULTED. THAT'S WHAT THIS CASE INVOLVES.

7 WHAT IS THE GOVERNMENT'S PERSPECTIVE AT THIS POINT IN  
8 LIGHT OF THE REVISION TO THE GUIDELINE?

9 **MS. MARTIN:** THE GOVERNMENT STILL THINKS THAT A  
10 SENTENCE OF 210 MONTHS IS APPROPRIATE IN THIS CASE.

11 THE GOVERNMENT DID ALSO TAKE INTO CONSIDERATION WHAT IT  
12 BELIEVED THAT THE GUIDELINES WERE INITIALLY, WHICH WAS  
13 SLIGHTLY HIGHER THAN WHAT THEY ARE NOW, HOWEVER, IT FELT LONG  
14 AND HARD ABOUT WHERE TO RECOMMEND WITHIN THAT GUIDELINE RANGE.  
15 AND ULTIMATELY THE GOVERNMENT BELIEVED THAT ANY SENTENCE BELOW  
16 210 MONTHS, WHETHER OR NOT THAT WAS AT THE LOW END OF THE  
17 GUIDELINES PREVIOUSLY OR HIGHER THAN THE LOW END OF THE  
18 GUIDELINES NOW IS APPROPRIATE. BECAUSE THAT WOULD AMOUNT TO  
19 JUST UNDER ONE YEAR FOR EACH OF THE ROBBERIES, ESSENTIALLY,  
20 THAT TOOK PLACE IN THIS CASE.

21 THE GOVERNMENT ALSO TOOK INTO ACCOUNT WHEN CONSIDERING  
22 THAT IN THINKING IS THIS TOO LOW A SENTENCE TO RECOMMEND, THE  
23 DEFENDANT'S AGE AND THE DEFENDANT'S WILLINGNESS TO COME IN  
24 EARLY AND ACCEPT A GUILTY PLEA EARLY ON.

25 SO ALL THOSE THINGS CONSIDERED, I THINK 210 MONTHS IS A

1 VERY SIGNIFICANT SENTENCE BUT IS ALSO TAILORED TO THIS  
2 PARTICULAR DEFENDANT.

3 AND I KNOW THAT THERE WERE MANY ROBBERIES THAT TOOK PLACE  
4 IN THIS PARTICULAR CASE, BUT AT SOME POINT ADDING ON  
5 ADDITIONAL TIME DOESN'T NECESSARILY DETER THIS DEFENDANT OR  
6 GIVE HIM A CHANCE TO REHABILITATE ANY MORE.

7 **THE COURT:** PROBATION?

8 **PROBATION OFFICER:** YOUR HONOR, OUR RECOMMENDATION  
9 ALSO REMAINS THE SAME.

10 **THE COURT:** I UNDERSTAND FROM THE DEFENSE THAT THEY  
11 ARE ASKING FOR 96 MONTHS; IS THAT CORRECT?

12 **MS. LEONIDA:** YES, YOUR HONOR.

13 **THE COURT:** I'M GOING TO LET EACH OF YOU ARGUE. I  
14 CAN TELL YOU, MS. LEONIDA, IF YOU WANT TO HELP YOUR CLIENT,  
15 THAT 96 MONTHS IS A NONSTARTER. YOU ARGUE THAT, IT WILL NOT  
16 IMPACT MY DECISION.

17 WHEN I WAS LOOKING AT THE AMOUNT OF VIOLENCE THAT IS  
18 AFFILIATED WITH THIS INDIVIDUAL, NOTWITHSTANDING THE FACT THAT  
19 HE APPARENTLY LOVES HIS FAMILY VERY MUCH AND IS GOOD TO PEOPLE  
20 HE KNOWS, AND I SAW THE GUIDELINE RANGE, AT WHAT THE PARTIES  
21 THOUGHT WAS 210 MONTHS TO 262 MONTHS, THE FIRST ISSUE THAT  
22 WENT THROUGH MY MIND WAS -- I DON'T UNDERSTAND WHY WE ARE AT  
23 210. THIS IS A HIGH-LEVEL OFFENSE. HIGH LEVEL.

24 SO I START AT THE HIGH END OF THE GUIDELINES. I EVEN AT  
25 ONE POINT, AS I READ THROUGH THIS, CONSIDERED GOING ABOVE THE

1 GUIDELINES.

2 ON ONE OF THESE CRIMES, STORE EMPLOYEES WERE ATTACKED WITH  
3 SEMIAUTOMATIC HANDGUNS. A SLEDGEHAMMER TAKEN TO THE JEWELRY  
4 STORE. ANOTHER VICTIM WAS LURED TO TAKE A FLIGHT DOWN.  
5 VICTIM FLIES IN. HE'S PICKED UP IN A LIMOUSINE. THE VEHICLE  
6 STOPS. TWO ARMED SUBJECTS ENTER THE LIMO. THEY HIT THE  
7 VICTIM ON THE NOSE WITH THE BUTT OF THE PISTOL AND THEN TAKE  
8 THE ITEMS.

9 SAME HAPPENED TO ANOTHER WOMAN. SHE FLIES IN. TWO PEOPLE  
10 GET IN. HANDGUN, PUSH HER HEAD DOWN, TAKE EVERYTHING SHE HAS.  
11 THIRTY ROBBERIES. PREMEDITATED.

12 AS I UNDERSTAND IT, THE RELATED CASE HERE INVOLVED A  
13 NUMBER OF INDIVIDUALS. TWO YOUNG MEN WHO NEVER HAD A CRIMINAL  
14 BACKGROUND WERE CONVINCED BY YOU TO GET INVOLVED. THEY ARE  
15 NOW SERVING SIGNIFICANT PRISON SENTENCES.

16 YOU CAME OUT AND WERE GIVEN INCREDIBLE OPPORTUNITIES. YOU  
17 WERE MAKING 43, \$44 AN HOUR IN A JOB, AND THAT WASN'T ENOUGH.  
18 INSTEAD YOU HAD TO TERRORIZE PEOPLE.

19 DO YOU WANT TO RESPOND?

20 **MS. LEONIDA:** YES, YOUR HONOR.

21 THERE IS OBVIOUSLY NO EXCUSE OR JUSTIFICATION FOR THE  
22 CRIMES THAT MR. ANDREWS COMMITTED. HE HAS ADMITTED THAT HE  
23 WAS A PART OF THIS CONSPIRACY WITH A NUMBER OF OTHER PEOPLE.  
24 BUT THE GUIDELINES -- THE GUIDELINES ARE VERY HIGH, AND THEY  
25 REFLECT --

1           **THE COURT:** I JUST SENTENCED SOMEONE TO 180 MONTHS  
2 WHO DIDN'T HAVE ANY VIOLENT BACKGROUND. HOW ABOUT EVERY  
3 SINGLE INDIVIDUAL WHO HE HARMED? IF HE HAD BEEN CONVICTED  
4 AFTER ONE OF THESE, HE WOULD HAVE GOTTEN MORE THAN A YEAR.  
5 OVER 30. AND THE VIOLENCE APPARENTLY DIDN'T DETER HIM BECAUSE  
6 HE WENT BACK AGAIN, AND AGAIN, AND AGAIN, AND AGAIN, AND  
7 AGAIN, AND THEN AGAIN, AND AGAIN, AND AGAIN, AND AGAIN, AND IT  
8 CONTINUES THREE TIMES, FOUR TIMES THAT. AND YOU'RE SAYING 96  
9 MONTHS?

10           **MS. LEONIDA:** THAT WAS OUR REQUEST, YOUR HONOR.

11 I UNDERSTAND THE COURT IS NOT INCLINED TO GIVE ANYTHING  
12 CLOSE TO 96 MONTHS. AND OBVIOUSLY THE COURT WILL DECIDE ON AN  
13 APPROPRIATE SENTENCE, BUT I DO WANT TO DISCUSS ALSO THE OTHER  
14 FACTORS THAT THE SENTENCING COMMISSION THAT ARE STATUTORILY  
15 REQUIRED FOR THIS COURT TO CONSIDER.

16 THE SENTENCE HAS TO OBVIOUSLY REFLECT THE SERIOUSNESS OF  
17 THIS CRIME --

18           **THE COURT:** THAT'S RIGHT. SO LET'S TALK ABOUT THIS.  
19 LET'S TALK ABOUT THIS.

20 HE WAS GIVEN A STABLE JOB. HE HAD A LOVING WIFE AND A  
21 YOUNG FAMILY. AND YET THAT DIDN'T MOTIVATE HIM TO NOT HARM  
22 THOSE 30 PEOPLE.

23 HE HAD BEEN INCARCERATED BEFORE, AND YET PRIOR  
24 INCARCERATIONS DID NOT IMPACT HIS PROMOTE FOR RESPECT FOR THE  
25 LAW OR ADEQUATELY DETER HIM DESPITE THE OPPORTUNITIES THAT

1 WERE GIVEN.

2 AND HOW ABOUT THE PUBLIC? HOW ABOUT THE PUBLIC? I HAVE A  
3 DUTY AND AN OBLIGATION TO PROTECT THEM AND HAVE NO CONFIDENCE  
4 GIVEN HIS BACKGROUND, GIVEN HIS ACTIONS, GIVEN HIS CHOICES  
5 THAT HE WILL NOT HURT MORE PEOPLE.

6 NOW DO YOU SEE WHY I'M WONDERING WHETHER EVEN 210 IS  
7 SUFFICIENT FOR THIS INDIVIDUAL?

8 YOU MAY PROCEED.

9 **MS. LEONIDA:** WE SUBMITTED A NUMBER OF LETTERS ON  
10 MR. ANDREWS' BEHALF, AND MANY OF THE PEOPLE WHO WROTE LETTERS  
11 AS WELL AS OTHER PEOPLE ARE PRESENT IN COURT TO SUPPORT HIM.  
12 THEY HAVE FILLED UP THE LEFT SIDE OF THE COURTROOM.

13 AND I SAY THIS BECAUSE IT DOES SHOW THAT HE IS NOT BEYOND  
14 REDEMPTION. HE DID HAVE A GOOD JOB AND HE WAS ABLE TO SUCCEED  
15 IN THE TRAINING PROGRAM AND TO PERFORM HIS DUTIES. HE LOST  
16 THE JOB BEFORE THIS STARTED, WHICH IS NOT AN EXCUSE, BUT IT IS  
17 WHAT HAPPENED.

18 THE POINT THAT I'M TRYING TO MAKE WITH THESE LETTERS AND  
19 THAT THESE PEOPLE ARE ALL HERE HOPING THE COURT WILL  
20 UNDERSTAND IS THAT THERE IS MORE TO MR. ANDREWS THAN THE  
21 CRIMES THAT HE HAS COMMITTED. HE IS DEVOTED TO HIS FAMILY.  
22 HE DOES HAVE A HISTORY OF VOLUNTEERING IN THE COMMUNITY --

23 **THE COURT:** LET ME ASK YOU, MS. LEONIDA, DO THEY ALL  
24 KNOW HOW MUCH VIOLENCE HE INFLICTED ON ALL THOSE INDIVIDUALS?  
25 DID YOU TELL THEM THAT?



1           **MS. LEONIDA:**   THEY ARE AWARE OF THE CHARGES.

2           **THE COURT:**   I UNDERSTAND THEY ARE AWARE OF THE  
3 CHARGES.   ARE THEY AWARE OF THE VIOLENCE?

4           **MS. LEONIDA:**   I DID NOT SHARE THE DISCOVERY WITH  
5 THEM, NO.

6           **THE COURT:**   PROCEED.

7           **MS. LEONIDA:**   BUT THEY ARE AWARE OF THE CHARGES.  
8 THEY ARE STILL IN COURT HAVING HEARD YOUR HONOR DESCRIBE THE  
9 CONDUCT AT ISSUE.   AND I DON'T THINK THAT IT CHANGES THEIR  
10 PERSPECTIVE.

11           THEY DO DEMONSTRATE -- THESE ARE MEMBERS OF THE COMMUNITY.  
12 THEY CAME TO MR. ANDREWS' DETENTION HEARING AS WELL, SO I KNOW  
13 THEY ARE WORKING PEOPLE, THEY ARE RESPONSIBLE PEOPLE.   THEY  
14 TOOK TIME OFF WORK TO COME HERE AND SUPPORT HIM KNOWING WHAT  
15 HE WAS THEN CHARGED WITH AND WHAT HAS NOW BEEN CONVICTED OF BY  
16 HIS OWN ADMISSION.

17           I THINK IT IS SIGNIFICANT AND THAT IT SHOWS THAT HE DOES  
18 HAVE THE POTENTIAL TO COME OUT OF PRISON AND BE A POSITIVE  
19 CONTRIBUTING MEMBER OF SOCIETY.

20           **THE COURT:**   MS. MARTIN.

21           **MS. MARTIN:**   YES, YOUR HONOR.

22           **THE COURT:**   ANYTHING TO ADD TO YOUR PAPERS?

23           **MS. MARTIN:**   NOT TO ADD TO MY PAPERS, NO, YOUR HONOR.  
24 SUBMITTED.

25           **THE COURT:**   MR. ANDREWS, YOU HAVE THE RIGHT TO

1 ADDRESS THE COURT DURING YOUR SENTENCING. YOU'VE OBVIOUSLY  
2 HEARD MY COMMENTS. WOULD YOU LIKE TO DO SO?

3 **THE DEFENDANT:** YES.

4 **THE COURT:** ALL RIGHT. I WILL HAVE YOU STAND IN  
5 FRONT OF THE MIC, PLEASE.

6 **THE DEFENDANT:** I HEAR ALL THE THINGS THAT I'VE BEEN  
7 CHARGED WITH AND THE THINGS THAT I HAVE DONE. I AM OBVIOUSLY  
8 NOT PROUD OF THAT STUFF.

9 THIS IS DIFFICULT FOR ME, I MEAN, IN LIGHT OF THE  
10 SITUATION. I DON'T PRETEND THAT I WAS RIGHT IN ANY SORT OF  
11 WAY. BUT I STILL LOVE LIFE. I LOVE MY FREEDOM.

12 (PAUSE IN THE PROCEEDINGS.)

13 I CAN'T TAKE AWAY FROM WHAT WAS DONE, BUT I CAN ONLY  
14 OFFER, YOU KNOW, WHAT I AM AND I'M MORE THAN WHAT'S ON THAT  
15 PAPER. I'M -- GIVE ME A SEC BECAUSE THIS IS A LOT.

16 (PAUSE IN THE PROCEEDINGS.)

17 LIKE MS. LEONIDA SAID AND I ADDRESSED IN MY LETTER, YOU  
18 KNOW, I HAD ENOUGH TIME TO CONSIDER THE HARM THAT I'VE DONE,  
19 AND IT'S OVERWHELMING. LIKE I SAID, I CAN'T PUT BACK, I CAN'T  
20 REPLACE. ALL I CAN ATTEMPT TO DO IS GIVE MYSELF.

21 I HAVE A SON. I'M BRINGING HIM UP A LOT BECAUSE I WAS  
22 SOMEBODY'S SON AND I WAS LEFT OUT. I DON'T... I'M JUST...  
23 I'VE COME TO A POINT I'M TIRED OF TAKING; TAKING FROM MY  
24 FAMILY, TAKING FROM PEOPLE. I JUST WANT AN OPPORTUNITY, A  
25 LAST OPPORTUNITY. I AM 40 YEARS OLD, YOU KNOW, ON PAPER AND

1 IN ACTUAL LIFE, I'VE BECOME A LOSER. AND THAT'S NOT WHO I AM.

2 I WAS GIVEN A LOT IN LIFE, BUT I HAVEN'T REFLECTED THAT.  
3 A LOT OF THE THINGS I WAS THINKING ABOUT AND GOING THROUGH,  
4 THE VERY THINGS I WAS TRYING TO SAVE, I WAS LOSING AND  
5 CARRYING ON WITH MY ACTIONS, BUT I COULDN'T SEE THAT THEN.

6 EVEN THIS TIME HERE IT... IT'S -- I HAVE DONE TIME BEFORE.  
7 LIKE -- LIKE ON -- LIKE YOU STATED, BUT NONE HAS BEEN LIKE  
8 THIS.

9 I DROPPED MY SON. I DON'T KNOW IF YOU HAVE CHILDREN, BUT  
10 IF -- YOU COULDN'T CONSIDER -- COULDN'T IMAGINE DROPPING YOUR  
11 BABY. IT FEELS LIKE I DROPPED MY SON AS AN INFANT, AND TO  
12 PICK HIM UP, YOU -- THAT WOULDN'T BE REPEATED. YOU COULDN'T  
13 REPEAT. YOU MAKE ALL... ALL... THIS IS HARD, MAN. THIS IS  
14 HARD.

15 (PAUSE IN THE PROCEEDINGS.)

16 I JUST WANT A CHANCE TO RIGHT SOME WRONGS. I KNOW YOU  
17 COULD -- I KNOW YOU CAN SEND ME AWAY FOR A LONG TIME, AND YOU  
18 HAVE EVERY RIGHT. I WOULDN'T ARGUE THAT. I DON'T EVEN HAVE  
19 NOTHING. I MEAN, I DON'T HAVE NOTHING AT ALL TO SAY IN  
20 REGARDS TO THAT. I JUST BEG, PLEASE, GIVE ME AN OPPORTUNITY  
21 TO GIVE BACK.

22 I DON'T WANT TO BE PUT ON THE SHELF FOREVER NOT BEING ABLE  
23 TO AT LEAST ATTEMPT TO GIVE BACK. I AM NO ANGEL AT ALL. BUT  
24 I'M NOT A DEMON. I'M HUMAN. AND EVERY TIME PRIOR TO THIS  
25 THAT I'VE EVER GOT IN TROUBLE, I NEVER LOST THIS MUCH.

1 SO I UNDERSTAND AND CAN ONLY IMAGINE HOW OTHER PEOPLE FELT  
2 THAT HAVEN'T DONE ANYTHING TO LOSE PEACE OF MIND, PROPERTY.

3 (PAUSE IN THE PROCEEDINGS.)

4 I'M NERVOUS AND I CAN'T EVEN -- I CAN'T SPEAK MY MIND LIKE  
5 I WANT TO. THERE'S THINGS I WANT TO SAY, BUT I'M CONSTANTLY  
6 BEING CHOKED UP BY WHAT I'M FACING.

7 I DON'T DESERVE ANYTHING, BUT I STILL WANT TO ASK FOR A  
8 LENIENCE, PLEASE. I'M NOT A YOUNG MAN. I'M JUST TIRED OF  
9 TAKING. SIMPLY PUT, I'M TIRED OF TAKING AND, I DON'T KNOW HOW  
10 ELSE TO SAY THAT.

11 I HAVE APOLOGIZED EVERY WAY I KNOW HOW FOR THIS STUFF.  
12 AND THE ONLY TRUE APOLOGY THAT I CAN DO IS PUT IT INTO ACTION.  
13 YOU KNOW THE GOODNESS THAT I HAVE IN ME. I'M CAPABLE OF IT.  
14 I AM NOT WITHOUT SKILLS. A LOT OF STUFF WAS DONE OUT OF  
15 IGNORANCE. I AM SAYING LIKE KNOWING TRULY HOW YOU AFFECT  
16 FOLK, LIKE CAUGHT UP WITH -- OH GOODNESS.

17 (PAUSE IN THE PROCEEDINGS.)

18 JESUS. I'M SORRY. I'M SORRY. I'M SORRY. THAT IS JUST  
19 THE STATE I'M IN. BUT I HAVE COME TO GRIPS WITH WHAT'S GOING  
20 ON.

21 I DON'T EVEN -- I JUST DON'T WANT -- I DON'T WANT TO TAKE  
22 AGAIN IN ANY ASPECT. I KNOW IF I'M GIVEN THIS AMOUNT OF TIME  
23 ANYWHERE, I DON'T KNOW WHAT I WOULD HAVE TO GIVE, YOU KNOW. I  
24 DON'T WANT TO -- ALL I HAVE IS MY SPIRIT. AND I DON'T NEED IT  
25 TO BE BROKE. I DON'T KNOW WHAT I WOULD BECOME THEN.

1           AGAIN, I DON'T DESERVE ANYTHING. I AM JUST ASKING FOR  
2           TIME TO ATTEMPT TO SAVE MY OWN, MY SON THAT -- THAT -- BECAUSE  
3           I DON'T WANT HIM HERE EVER IN FRONT OF ANYBODY BEGGING FOR HIS  
4           LIFE.

5                               (PAUSE IN THE PROCEEDINGS.)

6           AND IF THERE IS ANY WAY I CAN DO ANYTHING FOR ANY OF THESE  
7           PEOPLE, I WOULD BE WILLING. I WOULD ASK THEM TO FORGIVE ME  
8           FIRST, YOU KNOW.

9                               (PAUSE IN THE PROCEEDINGS.)

10           **THE COURT:** IS THAT ALL, MR. ANDREWS?

11           **THE DEFENDANT:** YES.

12           **THE COURT:** OKAY. IS THERE ANY REASON WHY SENTENCE  
13           SHOULD NOT NOW BE IMPOSED?

14           **MS. MARTIN:** NO, YOUR HONOR.

15           **MS. LEONIDA:** NO, YOUR HONOR.

16           **THE COURT:** MR. ANDREWS, LIFE IS LONG, BUT THE  
17           CHOICES THAT YOU HAVE MADE IN YOUR LIFE AND THE PEOPLE WHOSE  
18           LIVES YOU HAVE PERSONALLY CHOSEN TO IMPACT IN SUCH NEGATIVE  
19           WAYS, INCLUDING BY MATERIALLY ASSISTING OTHERS TO NOW HAVE  
20           FELONY RECORDS FOR THE FIRST TIME IN THEIR LIVES, INCLUDING  
21           THE TRAUMA; THINK ABOUT YOUR WIFE OR YOUR CHILD HAVING SOMEONE  
22           PUT A GUN TO THEIR HEAD, AND PERHAPS YOU CAN BEGIN TO  
23           UNDERSTAND HOW ALL OF THESE VICTIMS FELT ABOUT YOUR CONDUCT,  
24           AND THE DAYS AND DAYS AND DAYS, AND THE NIGHTMARES AND THE  
25           SLEEPLESS NIGHTS THAT THEY MUST BE ENDURING BECAUSE OF THE

1 CHOICES THAT YOU MADE.

2 THE COURT TAKES THAT CONDUCT INCREDIBLY SERIOUSLY, AND IT  
3 HAS AN OBLIGATION TO PROTECT. BECAUSE WHILE I DON'T THINK  
4 THAT YOU'RE A DEMON, ALL OF US HAVE GOOD AND BAD VOICES IN US.  
5 AND YOU HAVE NOT SHOWN A CAPACITY OR AN ABILITY OR A  
6 WILLINGNESS TO LISTEN TO THE GOOD VOICES IN YOUR OWN HEAD.  
7 AND SO YOU HAVE CHOSEN TO ACT CONTRARY TO THAT.

8 NOW, I UNDERSTAND AND BELIEVE ALL OF THESE LETTERS FROM  
9 ALL OF THESE INDIVIDUALS WHO SAY THAT YOU HAVE SOME GOODNESS  
10 IN YOU. AND THAT'S WHY I SAY, I DON'T THINK YOU'RE A DEMON.  
11 I THINK THAT THERE ARE GOOD PARTS, JUST -- AND I HAVE  
12 TESTIMONY TO THAT FROM ALL OF THOSE INDIVIDUALS. BUT THAT  
13 DOESN'T OVERSHADOW WHAT HAS TO BE DONE TO MAKE SURE THAT  
14 EVERYBODY WHO KNOWS YOU AND EVERYBODY FROM YOUR COMMUNITY  
15 UNDERSTANDS THAT WHEN YOU CHOOSE TO VICTIMIZE PEOPLE, THERE IS  
16 A PRICE. AND IN FEDERAL COURT THE PRICE IS HIGH.

17 AND SO EVERYONE SHOULD KNOW THAT IF YOU GET -- IF YOU  
18 CHOOSE TO DO THESE KINDS OF ACTIONS THAT BECOME FEDERAL  
19 OFFENSES, YOU GO AWAY FOR A WHILE. YOU LOSE YOUR RIGHT TO  
20 HAVE FREEDOM. YOU LOSE YOUR RIGHT TO WATCH YOUR SON GROW UP.

21 THERE WAS ONE LETTER IN HERE FROM A YOUNG MAN WHO  
22 EXPLAINED TO THE COURT THAT YOU KEPT TELLING HIM, DON'T, DON'T  
23 DO THINGS STUPID. DON'T DO IT LIKE I DO. YOU ARE ONLY GOING  
24 TO GET TIME IN PRISON. AND YOU HAVE KEPT HIM ON THE STRAIGHT  
25 AND NARROW. AND THAT'S A GOOD THING. BUT YOU DIDN'T EVEN

1 LISTEN TO YOUR OWN WORDS. SO YOU'RE GOING TO HAVE TO FIGURE  
2 OUT HOW TO SPEND THE TIME PRODUCTIVELY WHILE YOU WAIT TO  
3 REGAIN YOUR FREEDOM.

4 IT'S INTERESTING TO ME THE WORDS THAT YOU CHOSE. AND I  
5 UNDERSTAND YOU'RE NERVOUS. BUT IT WAS STILL VERY SELF  
6 CENTRIC, "MY LIFE", "MY FREEDOM", "MY SON".

7 THERE'S A LOT OF PEOPLE OUT THERE THAT YOU HURT, AND YET  
8 YOU CHOSE NOT TO FOCUS ON THEM. AND I UNDERSTAND. IT'S YOU  
9 WHO IS LOOKING AT THE TIME. BUT THE REHABILITATION AND THE  
10 REMORSE FIRST COMES FROM UNDERSTANDING, IN PART, WHAT YOU DID  
11 TO OTHERS.

12 I WILL NOT GIVE YOU AN ABOVE-GUIDELINE SENTENCE IN NO  
13 SMALL PART BECAUSE OF THE SUPPORT THAT YOU HAVE FROM YOUR  
14 FAMILY WHO ASSURE ME THAT YOU ARE NOT ALL BAD. BUT I DO  
15 IMPOSE THE FOLLOWING SENTENCE TO MAKE IT CLEAR TO EVERYONE  
16 THAT IF YOU CHOOSE TO ENGAGE IN THIS CONDUCT, YOU WILL SERVE A  
17 SIGNIFICANT AMOUNT OF TIME TO PROTECT THE PUBLIC, TO REFLECT  
18 THE SERIOUSNESS OF WHAT YOU HAVE DONE, TO PROMOTE THE RESPECT  
19 FOR THE LAW THAT IS REQUIRED, AND AS A REFLECTION OF THE FACT  
20 THAT YOU HAVE, DESPITE THE FACT THAT YOU HAVE BEEN GIVEN  
21 OPPORTUNITIES, THAT YOU HAD A STABLE LIFE, THAT YOU HAD A  
22 YOUNG WIFE AND A YOUNG CHILD AND YET STILL COULD NOT CONTROL  
23 YOUR IMPULSE TO HURT OTHERS; THAT FOR INDIVIDUALS LIKE THAT  
24 FOR A PERIOD OF TIME THEIR FREEDOM IS LOST.

25 PURSUANT TO THE SENTENCING REFORM ACT OF 1984, IT IS THE

1 JUDGMENT OF THIS COURT THAT CLARENCE ANDREWS BE COMMITTED TO  
2 THE BUREAU OF PRISONS FOR A TERM OF 210 MONTHS.

3 THE COURT RECOMMENDS THAT HE PARTICIPATE IN THE BUREAU'S  
4 RESIDENTIAL DRUG ABUSE TREATMENT PROGRAM; THAT UPON FROM  
5 IMPRISONMENT, HE BE PLACED ON TERM THREE YEARS OF SUPERVISED  
6 RELEASE.

7 WITHIN 72 HOURS OF RELEASE, THE DEFENDANT SHALL REPORT IN  
8 PERSON TO PROBATION IN THE OFFICE -- IN THE PROBATION OFFICE  
9 IN THE DISTRICT IN WHICH HE IS RELEASED.

10 WHILE ON SUPERVISED RELEASE, HE SHALL NOT COMMIT ANOTHER  
11 FEDERAL, STATE, OR LOCAL CRIME, SHALL COMPLY WITH STANDARD  
12 CONDITIONS THAT HAVE BEEN ADOPTED BY THIS COURT, SHALL REFRAIN  
13 FROM ANY UNLAWFUL USE OF CONTROLLED SUBSTANCES, AND SUBMIT TO  
14 A DRUG TEST WITHIN 15 DAYS OF RELEASE.

15 YOU SHALL PARTICIPATE WHILE ON SUPERVISED RELEASE IN A  
16 DRUG TREATMENT AND TESTING PROGRAM. YOU SHALL ABSTAIN FROM  
17 THE USE OF ALCOHOLIC BEVERAGES.

18 YOU SHALL PAY RESTITUTION IN THE AMOUNT OF \$52,238.26.  
19 YOU SHALL NOT OPEN ANY LINES OF CREDIT OR INCUR ANY NEW DEBT  
20 WITHOUT PRIOR PERMISSION OF PROBATION. YOU SHALL PROVIDE  
21 PROBATION WITH ACCESS TO ALL YOUR FINANCIAL INFORMATION  
22 INCLUDING TAX RETURNS.

23 YOU SHALL COOPERATE IN THE COLLECTION OF DNA AS DIRECTED  
24 BY PROBATION.

25 FOR THE REST OF YOUR LIFE, MR. ANDREWS, YOU HAVE LOST YOUR



1 RIGHT TO OWN OR POSSESS ANY FIREARMS, DESTRUCTIVE DEVICES, OR  
2 DANGEROUS WEAPONS.

3 YOU MUST PAY A MANDATORY FINE OF \$100 OR SPECIAL  
4 ASSESSMENT. THE COURT FINDS YOU DO NOT HAVE THE ABILITY TO  
5 PAY A FINE, AND SO ALL FINES ARE WAIVED.

6 WHILE YOU ARE ON SUPERVISED RELEASE, YOU MUST SUBMIT YOUR  
7 PERSON, RESIDENCE, OFFICE, VEHICLE, OR ANY PROPERTY UNDER YOUR  
8 CONTROL TO SEARCH WHENEVER ASKED BY A UNITED STATES PROBATION  
9 OFFICER, OR ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT  
10 OFFICER -- STRIKE THAT.

11 YOU SHALL SUBMIT YOUR PERSON, RESIDENCE, OFFICE, VEHICLE,  
12 OR ANY PROPERTY UNDER YOUR CONTROL TO SEARCH. SUCH SEARCH  
13 SHALL BE CONDUCTED BY A UNITED STATES PROBATION OFFICER AT A  
14 REASONABLE TIME AND IN A REASONABLE MANNER BASED UPON  
15 REASONABLE SUSPICION OF CONTRABAND OR EVIDENCE OF A VIOLATION  
16 OF CONDITION OF RELEASE. FAILURE TO SUBMIT TO SUCH A SEARCH  
17 CAN BE GROUNDS FOR REVOCATION, AND YOU MUST WARN RESIDENTS  
18 WITH WHOM YOU LIVE THAT YOU ARE SUBJECT TO THAT CONDITION.

19 SUPERVISED RELEASE SHALL BE FOR A PERIOD OF THREE YEARS.

20 SEVENTEEN AND A HALF YEARS IS ABOUT THREE TIMES MORE THAN  
21 YOU'VE EVER SPENT INCARCERATED. IT'S ABOUT SEVEN MONTHS FOR  
22 EVERY ROBBERY YOU COMMITTED, WHICH, GIVEN THE CIRCUMSTANCES  
23 AND THE VIOLENCE, I THINK IS QUITE REASONABLE. BUT NOT -- AND  
24 SUFFICIENT, BUT NOT GREATER THAN NECESSARY UNDER THE  
25 CIRCUMSTANCES.

1 WE ARE ADJOURNED. COURT WILL TAKE A SHORT RECESS.

2 (PROCEEDINGS CONCLUDED AT 3:06 P.M.)

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5  
6 **CERTIFICATE OF REPORTER**

7 I, DIANE E. SKILLMAN, OFFICIAL REPORTER FOR THE  
8 UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY  
9 CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE  
10 RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

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12 

13 DIANE E. SKILLMAN, CSR 4909, RPR, FCRR

14 WEDNESDAY, APRIL 15, 2015  
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